

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

TIMOTHY CORVIN,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	No. 1:05-CV-219
DEPUTY MIKE BICE, CHIEF DEPUTY)	
ARGO, and OFFICER WAYNE COX,)	Chief Judge Curtis L. Collier
individually and as officers of the Rhea)	
County Sheriff's Department and)	
SHERIFF MIKE NEAL, individually)	
and as Sheriff of Rhea County, in charge)	
of the Rhea County Sheriff's Department,)	
)	
<i>Defendants.</i>)	

ORDER

This Court entered an order (Court File No. 34) stating that this case would be dismissed pursuant to Plaintiff's motion (Court File No. 32) on March 27, 2007 prior to commencement of the jury trial absent any objection from Plaintiff to the terms and conditions of dismissal. Plaintiff has not objected to the Court's Order. Accordingly, the Court will exercise its discretion pursuant to Fed. R. Civ. P. 41(a)(2) and **DISMISS** this case **WITHOUT PREJUDICE** subject to the following terms and conditions: (1) in the event this case is refiled, it will be refiled in this Court and will commence at the same posture as it stands on this date, and (2) prior to the commencement of another action upon the same cause, Plaintiff pays to Defendants all of their taxable costs and all expenses incurred by Defendants in preparation of this case, including but not limited to, a reasonable attorney's fee, said costs and expenses to be determined by the Court prior to the time such second suit is commenced. The Clerk is **ORDERED** to **CLOSE** this case.

SO ORDERED.

ENTER:

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE